S.B. Cr. II Bail Application No. 1251/2007
(Ramzan Khan Vs. State of Rajasthan)
Date of order : 20.08.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. R.K.Bishnoi for the petitioner.
Mr. Ashok Upadhyay, P.P.
Mr. B.K.Mehar for the complainant.

Heard learned counsel for the petitioner and public prosecutor for the State assisted by counsel for the complainant. Perused the order impugned and challan papers. I have also gone through the statements of witnesses so far recorded by the trial court.

By now the trial court has recorded the statements of as many as 31 witnesses which shows that there is a speedy trial.

It is contended by learned counsel for the petitioner that similarly situated co-accused Parsaram has been granted bail by a Coordinate Bench of this Court and the case of the petitioner is not distinguishable from him.

Learned public prosecutor appearing for the State submits that the case of the petitioner is distinguishable from that of co-accused Parsaram to the extent that the watch which was recovered from the petitioner was identified by the

prosecution witnesses as also there is evidence of extra-judicial confession and certain material witnesses are yet to be examined.

Having regard to the facts and circumstances of the case and the fact that the petitioner furnished the information under Section 27 of the Evidence Act and in pursuance thereof a watch was recovered which the deceased used to wear and was identified by the witnesses from the prosecution side, and there is an extra-judicial confession, without commenting on the merit of the case, I do not consider it a fit case to release the petitioner on bail. The bail application filed by the petitioner under Section 439 Cr.P.C. is therefore, dismissed. The trial court is directed to expedite the trial of the case.

(H.R.PANWAR), J.

rp